

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, July 22, 2008, the following members were present:

Greg Jergeson, Chairman, via phone
Doug Mood, Vice Chairman
Robert H. Raney, Commissioner
Ken Toole, Commissioner

Commissioner Brad Molnar was absent, but gave his proxy to Commissioner Mood after the meeting.

APPEARANCE
Wayne Budt, Administrator
Transportation & Centralized Services Division

(247) In the matter of T-08.6.PCN-On March 21, 2008 Wayne T. Fleming dba Z Best Transportation, West Yellowstone, Montana filed an application for a certificate of public convenience and necessity.

Commissioner Raney moved to approve the application as applied for. Commissioner Toole seconded the motion, which passed unanimously.

(248) In the matter of T-08.13.PCN-On April 25, 2008 Western Waste Transportation, Inc., Missoula, Montana filed an application for a certificate of public convenience and necessity.

Commissioner Mood moved to approve the applicant's request for cancellation of the authority granted in Final Order 6920 and close the docket. Commissioner Raney seconded the motion, which passed unanimously.

(249) In the matter of T-08.26.ST-On May 21, 2008 Waste Connections of Montana, Inc., Miles City, Montana filed an application to transfer PSC No 9418 to R Double S LLC dba Miles City Sanitation Service, Miles City, Montana.

Commissioner Raney moved to approve the transfer as applied for. Commissioner Toole seconded the motion, which passed unanimously.

(250) In the matter of the approval of Commission Minutes for the week of July 14, 2008;

Commissioner Toole moved to approve the Commission Minutes for the week of July 14, 2008. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE
Al Brogan, Legal Division

(251) In the matter of the Commission's discussion of D2008.6.69-NorthWestern Corporation application for approval of its Interest in Colstrip Unit 4 as an Electricity Supply Resource Under Certain Terms and Conditions Including Certain Treatment of Net Operating Losses.

Commissioner Toole moved to authorize parties to serve other parties by email with hard copies of served documents to follow without effecting a party's obligation to and time of e-filing with the PSC. Commissioner Raney seconded the motion, which passed unanimously.

Commissioner Raney moved to approve number two of Al Brogan's July 21, 2008 memo allowing NorthWestern Energy to 1) redact the identities and identifying information from all bids except that of BiCent, 2) to deny protection to all other information NorthWestern Energy sought to protect in its motion for protective order, 3) to deny NorthWestern Energy's request for special terms and conditions, and 4) to order NorthWestern Energy to provide all withheld information not later than July 29, 2008. Commissioner Toole seconded the motion, which passed unanimously.

(252) In the matter of the Commission's discussion of D2008.4.36-NorthWestern Corporation's Compliance with Order 6505e;

Commissioner Raney moved to authorize email service in this docket. Commissioner Toole seconded the motion, which passed unanimously.

Commissioner Raney moved to approve Montana Consumer Counsel's motion to compel production of email and attached documents with respect to items identified in NorthWestern Energy Privilege Log as listed in Al Brogan's Memorandum dated July 22, 2008 in Docket No. 2008.4.36, and assigning a deadline of July 29, 2008 for NorthWestern Energy to provide said documents. Commissioner Toole seconded the motion, which passed unanimously.

Commissioner Raney moved to deny NorthWestern Energy's motion for leave to respond out of time as moot. Commissioner Toole seconded the motion, which passed unanimously.

Commissioner Raney moved to deny NorthWestern Energy's motion to stay proceedings in D2008.4.36. Commissioner Toole seconded the motion, which passed unanimously.

(253) In the matter of the Commission's discussion of D2007.12.147-City of Great Falls complaint and request for Declaratory Ruling, Benefits Healthcare System and Electric City Power, Inc.;

Commissioner Jergeson moved to direct staff to establish a briefing schedule to conclude docket. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division

(254) In the matter of the Commission's discussion of D2008.1.6-Qwest's request for a protective order;

Commissioner Raney moved to grant the petition for Protective Order. Commissioner Jergeson seconded the motion, which passed unanimously.

(255) In the matter of the Commission's discussion of D2007.8.96-Cut Bank Gas application for approval of true-up cost tracking adjustment;

Commissioner Toole moved to allow staff to conduct a deposition and Commission questioning of Ron Woods to be used in lieu of his appearance and testimony at the hearing in Docket D2007.8.96, if he is unable to testify for that hearing. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE

Phil Cooke, Consumer Division

(256) In the matter of the Commission's discussion of D2006.6.84-NorthWestern Energy Medical Emergency Rule Application;

Commissioner Jergeson moved to continue the previously approved monthly payment of \$200.00, and direct staff to draft an appropriate notice of commission action. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator
Utility Division

(257) In the matter of out of state travel for staff;

Commissioner Toole moved to approve the travel requests of Joel Tierney to NAPSR national meeting in Boise, Idaho; and Eric Dahlgren, to Oklahoma City, Oklahoma for pipeline safety class on September 15-19, 2008. Commissioner Raney seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

GREG JERGSON, Chairman

DOUG MOOD, Vice Chairman

BRAD MOLNAR, Commissioner

ROBERT H. RANEY, Commissioner

KEN TOOLE, Commissioner

ATTEST:

Verna Stewart
Commission Secretary

(SEAL)